

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File No.: EB-08-TC-998
	)	
The Street Map Company	)	NAL/Acct. No.: 201132170002
	)	
Apparent Liability for Forfeiture	)	FRN: 0020318242
	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: November 9, 2010**

**Released: November 10, 2010**

By the Commission:

**I. INTRODUCTION**

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find that The Street Map Company (“Street Map”)<sup>1</sup> apparently willfully and repeatedly violated section 227 of the Communications Act of 1934, as amended (“Act”), and the Commission’s related rules and orders, by delivering 11 unsolicited advertisements, or “junk faxes,” to the telephone facsimile machines of 11 consumers.<sup>2</sup> Based on the facts and circumstances surrounding these apparent violations, we find that Street Map is apparently liable for a forfeiture in the amount of \$55,000.

**II. BACKGROUND**

2. The Telephone Consumer Protection Act of 1991 (“TCPA”) was enacted by Congress to address problems of abusive telemarketing, in particular junk faxes.<sup>3</sup> Unsolicited faxes often impose unwanted burdens on the called party, including costs of paper and ink, and making fax machines unavailable for legitimate business messages. Section 227(b)(1)(C) of the Act thus makes it “unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States . . . to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement” unless the sender has an established business relationship with the recipient.<sup>4</sup>

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<sup>1</sup> According to publicly available information, Street Map is also doing business as Rockford Map Gallery, LLC, First State Map & Globe Co., Globe World, and Rockford Map and Globe. Therefore, all references in this NAL to “Street Map” encompass all of these companies. Street Map has offices at 24-A Trolley Square, Wilmington, Delaware 19806 and 1800 Lovering Ave., Wilmington, DE 19806-2122. Patrick Keane is listed as the contact person for Street Map. Accordingly, all references in this NAL to “Street Map” also encompass the foregoing individual and all other principals and officers of this entity, as well as the corporate entity itself.

<sup>2</sup> See 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3); see also *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order and Third Order on Reconsideration*, 21 FCC Rcd 3787 (2006).

<sup>3</sup> Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394, *codified at* 47 U.S.C. § 227. See also Junk Fax Prevention Act of 2005, Pub. L. No. 109-21, 119 Stat. 359 (2005).

<sup>4</sup> 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3).

3. On February 5, 2008, in response to a consumer complaint alleging that Street Map had faxed an unsolicited advertisement, the Enforcement Bureau (“Bureau”) issued a citation<sup>5</sup> to Street Map, pursuant to section 503(b)(5) of the Act.<sup>6</sup> The Bureau cited Street Map for using a telephone facsimile machine, computer, or other device, to send unsolicited advertisements to a telephone facsimile machine, in violation of section 227 of the Act and the Commission’s related rules and orders. Street Map did not respond to the citation. Despite the citation’s warning that subsequent violations could result in the imposition of monetary forfeitures, we have continued to receive additional consumer complaints indicating that Street Map continued to send junk faxes *after* issuance of the citation.<sup>7</sup> We base our action here specifically on complaints filed by 11 consumers establishing that Street Map sent 11 unsolicited advertisements to telephone facsimile machines between November 12, 2009 and March 1, 2010.<sup>8</sup>

### III. DISCUSSION

#### A. Violations of the Commission’s Rules Restricting Unsolicited Facsimile Advertisements

4. Each of the consumers listed in the Appendix has provided evidence that Street Map apparently used a telephone facsimile machine, computer, or other device to send the consumer one unsolicited advertisement.<sup>9</sup> The faxes at issue here therefore fall within the definition of an “unsolicited advertisement.”<sup>10</sup> Further, according to the complaints, the consumers did not have an established business relationship with Street Map, and did not give Street Map permission to send the facsimile transmissions. Based on the entire record, including the consumer complaints, we conclude that Street Map apparently violated section 227 of the Act and the Commission’s related rules and orders by sending 11 unsolicited advertisements to 11 consumers’ facsimile machines.

#### B. Proposed Forfeiture

5. Section 503(b) of the Act authorizes the Commission to assess a forfeiture for each violation of the Act, or of any rule, regulation, or order issued by the Commission under the Act, by a non-common carrier or other entity not specifically designated in section 503 of the Act. In exercising such authority, we are to take into account “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”<sup>11</sup>

6. We find that Street Map is apparently liable for a forfeiture in the amount of \$55,000. Although the *Forfeiture Policy Statement* does not establish a base forfeiture amount for violating the

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<sup>5</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-08-TC-998, issued to Street Map on February 5, 2008.

<sup>6</sup> See 47 U.S.C. § 503(b)(5) (authorizing the Commission to issue citations to persons who do not hold a license, permit, certificate, or other authorization issued by the Commission or an applicant for any of those listed instrumentalities for violations of the Act or of the Commission’s rules and orders).

<sup>7</sup> See Appendix for a listing of the consumer complaints against Street Map requesting Commission action.

<sup>8</sup> We note that evidence of additional instances of unlawful conduct by Street Map will result in further enforcement action.

<sup>9</sup> The facsimile transmissions advertise wall maps.

<sup>10</sup> See 47 U.S.C. § 227(a)(5); 47 C.F.R. § 64.1200(f)(13) (definition previously at § 64.1200(f)(10)).

<sup>11</sup> 47 U.S.C. § 503(b)(2)(E); *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order*, 12 FCC Rcd 17087, 17100-01 para. 27 (1997) (*Forfeiture Policy Statement*), recon. denied, 15 FCC Rcd 303 (1999).

prohibition against using a telephone facsimile machine to send unsolicited advertisements, the Commission has previously considered \$4,500 per unsolicited fax advertisement to be an appropriate base amount.<sup>12</sup> We apply that base amount to each of 10 of the apparent violations. In addition, where the consumer requests that the company stop sending facsimile messages, and the company continues to send them, the Commission has previously considered \$10,000 per unsolicited fax advertisement the appropriate forfeiture for such egregious violations.<sup>13</sup> Here, one consumer received another facsimile from Street Map after specifically requesting that Street Map cease sending them. Accordingly, we propose a \$10,000 forfeiture for this one apparent violation. Thus, we propose a total forfeiture of \$55,000. Street Map will have the opportunity to submit evidence and arguments in response to this *NAL* to show that no forfeiture should be imposed or that some lesser amount should be assessed.<sup>14</sup>

#### IV. CONCLUSION

7. We have determined that The Street Map Company apparently violated section 227 of the Act and the Commission's related rules and orders by using a telephone facsimile machine, computer, or other device to send at least 11 unsolicited advertisements to the 11 consumers identified in the Appendix. We have further determined that The Street Map Company is apparently liable for a forfeiture in the amount of \$55,000.

#### V. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the rules, 47 C.F.R. § 1.80, that The Street Map Company is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of \$55,000 for willful or repeated violations of section 227(b)(1)(C) of the Communications Act, 47 U.S.C. § 227(b)(1)(C), section 64.1200(a)(3) of the Commission's rules, 47 C.F.R. § 64.1200(a)(3), and the related orders described in the paragraphs above.

9. **IT IS FURTHER ORDERED THAT**, pursuant to section 1.80 of the Commission's rules,<sup>15</sup> within thirty (30) days of the release date of this *Notice of Apparent Liability for Forfeiture*, The Street Map Company **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

10. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the *NAL/Account Number* and *FRN Number* referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card,

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<sup>12</sup> See *Get-Aways, Inc.*, Notice of Apparent Liability For Forfeiture, 15 FCC Rcd 1805 (1999); *Get-Aways, Inc.*, Forfeiture Order, 15 FCC Rcd 4843 (2000); see also *US Notary, Inc.*, Notice of Apparent Liability for Forfeiture, 15 Rcd 16999 (2000); *US Notary, Inc.*, Forfeiture Order, 16 FCC Rcd 18398 (2001); *Tri-Star Marketing, Inc.*, Notice of Apparent Liability For Forfeiture, 15 FCC Rcd 11295 (2000); *Tri-Star Marketing, Inc.*, Forfeiture Order, 15 FCC Rcd 23198 (2000).

<sup>13</sup> See *Carolina Liquidators, Inc.*, Notice of Apparent Liability for Forfeiture, 15 FCC 16,837, 16,842 (2000); *21<sup>st</sup> Century Fax(es) Ltd., AKA 20<sup>th</sup> Century Fax(es)*, Notice of Apparent Liability for Forfeiture, 15 FCC Rcd 24,406, 24,411 (2000).

<sup>14</sup> See 47 U.S.C. § 503(b)(4)(C); 47 C.F.R. § 1.80(f)(3).

<sup>15</sup> 47 C.F.R. § 1.80.

an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). The Street Map Company will also send electronic notification on the date said payment is made to [Johnny.Drake@fcc.gov](mailto:Johnny.Drake@fcc.gov). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, SW, Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov) with any questions regarding payment procedures.

11. The response, if any, must be mailed both to: Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division; and to Josh Zeldis, Assistant Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, and must include the NAL/Acct. No. referenced in the caption. Documents sent by overnight mail (*other than* United States Postal Service Express Mail) must be addressed to: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 9300 East Hampton Drive, Capitol Heights, MD 20743. Hand or messenger-delivered mail should be directed, without envelopes, to Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554 (deliveries accepted Monday through Friday 8:00 a.m. to 7:00 p.m. only). See [www.fcc.gov/osec/guidelines.html](http://www.fcc.gov/osec/guidelines.html) for further instructions on FCC filing addresses.

12. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

13. **IT IS FURTHER ORDERED** that a copy of this *Notice of Apparent Liability for Forfeiture* shall be sent by Certified Mail Return Receipt Requested and First Class mail to The Street Map Company, Attention: Patrick Keane, 24-A Trolley Square, Wilmington, Delaware 19806, and 1800 Lovering Ave., Wilmington, DE 19806-2122.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

## APPENDIX

## Complainants and Violation Dates

<b>Complainant received facsimile solicitations</b>	<b>Violation Date(s)</b>
J. Lucey, St. Francis de Sales	12/3/2009
C. Abbott, Schultz Insurance Agency	11/17/2009
B. Sack	11/12/2009
R. Graeber	11/14/2009
S. Humphries	11/19/2009
J. Warwick, 87 CES/CEAOR Real Property	1/1/2010
R. Simpson, Lanier Federal CU	2/3/2010
R. Stevens	2/9/2010
D. Fincher, ACE USA	2/12/2010
J. Harms, Classical Academic Press	2/24/2010

<b>Complainant received facsimile solicitations after requesting no more be sent</b>	<b>Violation Date(s)</b>
P. Baker, Hanover Hospital	3/1/2010